

WILLIE C. WILLIAMS

FEBRUARY 27, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 8448]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8448), for the relief of Willie C. Williams, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 11, strike the period following the word "regulations" and insert:

: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

PURPOSE

The purpose of the proposed legislation is to pay Willie C. Williams of Marlin, Tex., \$101.52 as the amount he earned while assisting in the post office at Marlin, Tex., during the Christmas rush during December 1956 but which he was required to refund to the Government because he was a retired postal employee.

STATEMENT

The postmaster of the post office at Marlin, Tex., asked Mr. Willie C. Williams, a retired postal employee, to assist in the post office during the 1956 Christmas season. This request was made in good faith on the assumption that Mr. Williams could be so employed in

accordance with applicable laws and regulations. Mr. Williams worked for 12 days and did serve as an assistant to the postmaster. He was paid \$130.35 for the work he performed. Then later he was advised that he had been illegally paid since he was a retired employee, so Mr. Williams refunded the money paid him for his services. Subsequently he was paid \$28.83 which represented the amount of the difference between the applicable rate for the service performed and the amount of annuity payment which he was paid.

The Post Office Department has submitted a report to this committee on the bill which indicates that the Department has no objection to the enactment of the bill, and bases this stand on the fact that the postmaster and Mr. Williams both acted in good faith. The committee agrees that the information supplied to the committee shows that both Mr. Williams and the postmaster acted in good faith. Further Mr. Williams actually performed the work for which he was paid. Under these circumstances the committee recommends that the bill be considered favorably.

POST OFFICE DEPARTMENT,
BUREAU OF THE GENERAL COUNSEL,
Washington, D. C., November 21, 1957.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to the request for a report on H. R. 8448, a bill for the relief of Willie C. Williams.

This bill would authorize the payment of \$101.52 to Willie C. Williams of Marlin, Tex. The sum represents a portion of the amount earned by Mr. Williams, a retired annuitant, while employed at the Marlin, Tex., post office during the Christmas season of 1956.

The present law (5 U. S. C. 2263b) requires that when an annuitant is reemployed, a sum equal to the annuity allocable to the period of actual employment shall be deducted from his salary.

Investigation has disclosed that the postmaster at Marlin, Tex., in good faith, asked Mr. Williams, a retired postal employee to assist in the Marlin Post Office during the 1956 Christmas season. Mr. Williams, in good faith, did assist the postmaster 12 days for which he was paid \$130.35. Subsequently, Mr. Williams was advised that he had been illegally paid for the 12 days and that it would be necessary to refund the money which had been paid to him. Mr. Williams refunded the money paid him and was later paid \$28.83 representing the amount of the difference between the applicable rate for the service performed and the amount of the annuity payment.

In view of the fact that (1) the employment of Mr. Williams resulted from an honest misunderstanding in which the postmaster, acting in good faith, obtained the assistance of an experienced employee for the Christmas mail rush; and (2) the annuitant acting in good faith came to the assistance of the postmaster and worked in the post office at Marlin, this Department will interpose no objection to the enactment of this legislation.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee.

Sincerely yours,

(Signed) HERBERT B. WARBURTON,
Acting General Counsel.